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LUD 5466.4 CIP - NDH (09807811)

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VIA FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on December 27, 2002.

[Signature]
FULBRIGHT & JAWORSKI LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alexander, et al.
Serial No : 09/165,546
Filed : October 2, 1998
For : ISOLATED PEPTIDES CORRESPONDING TO AMINO ACID SEQUENCES OF NY-ESO-1...
Art Unit : 1644
Examiner : A. Decloux

December 27, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RESPONSE TO TELEPHONE
INTERVIEW SUMMARY AND
ADVISORY ACTION AND AMENDMENT

This is in response to the papers mailed by the examiner on December 18.

With respect to the examiner interview summary sheet, the recitation of the substance of the telephone interview is correct.

With respect to the advisory action, yet again the examiner has changed her position, and has indicated that claims previously deemed allowable are not. Please compare paper number 38 (copy attached) indicating that claims 89-91 and 95 would be allowable. Now, in paper number 40, the examiner states they are not.

The examiner cannot reverse position without reopening prosecution. This has been pointed out before, and apparently has been ignored.

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